

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1001(ss) be amended to read as follows:

- 1 Page 157, between lines 9 and 10 begin a new paragraph and insert:
- 2 "SECTION 137. IC 12-24-1-3, AS AMENDED BY P.L.215-2001,
- 3 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2002 (RETROACTIVE)]: Sec. 3. (a) The director of the
- 5 division of mental health and addiction has administrative control of
- 6 and responsibility for the following state institutions:
- 7 (1) Central State Hospital.
- 8 (2) Evansville State Hospital.
- 9 (3) Evansville State Psychiatric Treatment Center for Children.
- 10 (4) Larue D. Carter Memorial Hospital.
- 11 (5) Logansport State Hospital.
- 12 (6) Madison State Hospital.
- 13 (7) Richmond State Hospital.
- 14 (8) Any other state owned or operated mental health institution.
- 15 (b) Subject to the approval of the director of the budget agency and
- 16 the governor, the director of the division of mental health and addiction
- 17 may contract for the management and clinical operation of Larue D.
- 18 Carter Memorial Hospital.
- 19 (c) **The following applies only to the institutions described in**
- 20 **subsection (a)(2) and (a)(3):**
- 21 (1) **Notwithstanding any other statute or policy, the division**
- 22 **of mental health and addiction may not do the following after**
- 23 **December 31, 2001, unless specifically authorized by a statute**
- 24 **enacted by the general assembly:**
- 25 (A) **Terminate, in whole or in part, normal patient care or**
- 26 **other operations at the facility.**
- 27 (B) **Reduce the staffing levels and classifications below**
- 28 **those in effect at the facility on January 1, 2002.**
- 29 (C) **Terminate the employment of an employee of the**

- 1 facility except for cause in accordance with IC 4-15-2.
- 2 (2) The division of mental health and addiction shall fill a
- 3 vacancy created by a termination described in subdivision
- 4 (1)(C) so that the staffing levels at the facility are not reduced
- 5 below the staffing levels in effect on January 1, 2002.
- 6 (3) Notwithstanding any other statute or policy, the division
- 7 of mental health and addiction may not remove, transfer, or
- 8 discharge any patient at the facility unless the removal,
- 9 transfer, or discharge is in the patient's best interest and is
- 10 approved by:
- 11 (A) the patient or the patient's parent or guardian;
- 12 (B) the individual's gatekeeper; and
- 13 (C) the patient's attending physician.
- 14 (d) The Evansville State Psychiatric Treatment Center for
- 15 Children shall remain independent of Evansville State Hospital and
- 16 the southwestern Indiana community mental health center, and the
- 17 Evansville State Psychiatric Treatment Center for Children shall
- 18 continue to function autonomously unless a change in
- 19 administration is specifically authorized by an enactment of the
- 20 general assembly.
- 21 SECTION 38. IC 12-24-2-9 IS ADDED TO THE INDIANA CODE
- 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 23 UPON PASSAGE]: Sec. 9. (a) Notwithstanding any other law, an
- 24 individual shall be admitted to the Evansville State Psychiatric
- 25 Treatment Center for Children if the decision to admit the
- 26 individual is approved by:
- 27 (1) the individual's gatekeeper; and
- 28 (2) the Evansville State Psychiatric Treatment Center for
- 29 Children's admission committee, which must consist of at
- 30 least the following individuals:
- 31 (A) The superintendent.
- 32 (B) The medical director.
- 33 (C) The clinical director.
- 34 (D) The director of nursing.
- 35 (b) The division of mental health and addiction shall encourage
- 36 and facilitate the placement of appropriate patients at the
- 37 Evansville Psychiatric Treatment Center for Children. A state
- 38 operated facility must be considered before referring a patient to
- 39 an out of state treatment center. The appropriateness of admission
- 40 to the Evansville Psychiatric Treatment Center for Children is
- 41 determined when both the individual's gatekeeper and the
- 42 Evansville State Psychiatric Treatment Center for Children's
- 43 admission committee agree that the individual meets admission
- 44 criteria and that admission to the Evansville State Psychiatric
- 45 Treatment Center for Children is the least restrictive treatment
- 46 option available to meet the individual's psychiatric needs. An
- 47 administrator of the division of mental health and addiction may
- 48 not make a determination of the appropriateness of admission to

1 **the Evansville State Psychiatric Treatment Center for Children**
2 **unless the individual's gatekeeper and the admissions committee**
3 **fail to reach agreement on the appropriateness of the referral. If**
4 **the gatekeeper and the admissions committee fail to reach an**
5 **agreement on the appropriateness of the referral, the decision of**
6 **the division of mental health and addiction is final."**

7 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1001(ss) as reprinted June 13, 2002.)

Senator SERVER